

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13536
Non-Argument Calendar

ST. CLAIRE DREKA,
a.k.a. St. Claire Whelan,
ANJOU MARIE WHELAN,

Plaintiffs-Appellants,

versus

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES,
COMMUNITY PARTNERSHIP FOR CHILDREN,
CPC CASE MANAGER SHAYLA RODNEY,
in her individual and official capacity,
JUDGE JOAN ANTHONY,
in her official capacity only,
CPC CASE MANAGER LATOYA ELLIOT,
in her individual and official capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:25-cv-01243-CEM-LHP

Before JILL PRYOR, NEWSOM, and BRASHER, Circuit Judges.

PER CURIAM:

Appellants St. Claire Dreka and Anjou Marie Whelan, each proceeding *pro se*, filed this lawsuit against Florida’s Department of Children and Families (“DCF”) and several other defendants. The district court dismissed their second amended complaint with prejudice, concluding that it was a shotgun pleading. On appeal, Dreka and Whelan challenge the dismissal. After careful consideration, we conclude that the district court did not abuse its discretion in dismissing the second amended complaint as a shotgun pleading.

I.

In January 2024, DCF removed Dreka’s four children from her home.¹ It filed a petition to place the children in an emergency shelter and pursued a dependency case in Florida state court. *See M.W. v. Davis*, 756 So. 2d 90, 101–02 (Fla. 2000) (describing dependency proceedings in Florida state court).

Dreka and her mother, Whelan, each proceeding *pro se*, filed this lawsuit in which they brought claims arising from and related

¹ Because we write for the parties, we assume their familiarity with the record and include only what is necessary to resolve this appeal.

to the removal of Dreka's children and the state court proceedings that followed. They named the following individuals and entities as defendants: DCF; the Community Partnership for Children ("CPC"); Shayla Rodney, a CPC employee; Latoya Elliot, a CPC employee; and Judge Joan Anthony, the Florida state court judge who presided over the dependency case.

In their first amended complaint, Dreka and Whelan asserted a total of ten counts against these defendants. In seven of the counts, Dreka alone brought claims under 42 U.S.C. § 1983. She alleged that her Fourth Amendment rights were violated when "Defendants entered [her] home and seized her children without [a] warrant, judicial authorization, exigent circumstances, or consent" and that her Fourteenth Amendment "liberty interest in parenting" was infringed when her children were interviewed "without parental notice or opportunity to be heard." Doc. 10 at 26.² Dreka also asserted that her Fourteenth Amendment rights were violated in the state court proceedings when the "Defendants knowingly submitted false affidavits and withheld exculpatory medical evidence," the court appointed her an attorney who had a conflict of interest, she was forced to sign documents related to the proceedings under duress, she was excluded from hearings related to her children's father, and her attorney prevented her from presenting evidence. *Id.* at 27–28.

² "Doc." numbers refer to the district court's docket entries.

Dreka also brought one count under the Americans with Disabilities Act. She alleged that she was disabled and had been “denied court access and accommodations for her disabilities.” *Id.* at 28. She asserted that while proceeding *pro se* in the state court action, she had requested “online court access forms but was denied remote access without explanation.” *Id.* at 21. She claimed that the denial of access violated Title II of the Americans with Disabilities Act. In the same count, she also brought a § 1983 claim alleging a denial of equal protection in violation of the Fourteenth Amendment.

Dreka and Whelan jointly brought one count alleging that the “Defendants failed to timely, file, verify, and maintain kinship placement documentation.” *Id.* at 27. They asserted that these actions “obstruct[ed] reunification and depriv[ed] both Plaintiffs of procedural access.” *Id.* In this count, they brought a claim under § 1983 for violation of the Fourteenth Amendment.

In addition, Whelan asserted one count of her own. She alleged that defendants Rodney and Elliot had obstructed her request for kinship placement and sabotaged her court-approved visitation. Whelan asserted a § 1983 claim alleging a violation of her “constitutionally protected right to familial association under the First Amendment.” *Id.* at 29.

The district court, acting pursuant to its inherent authority, *sua sponte* reviewed the first amended complaint and determined that it was a shotgun pleading. It explained that “[m]ultiple counts refer to ‘Defendants’ collectively and many others do not specify

against which Defendant the claims are being made.” Doc. 25 at 3. The court gave Dreka and Whelan an opportunity to file a second amended complaint that corrected the deficiencies.

Dreka and Whelan filed a second amended complaint that identified the same defendants—DCF, CPC, Rodney, Elliot, and Anthony. This time they asserted eight counts, bringing claims under § 1983, the Americans with Disabilities Act, and the Rehabilitation Act. Once again, their claims arose from the removal of Dreka’s children and the state court dependency proceedings.

The court reviewed the second amended complaint and dismissed it with prejudice. It explained that in this pleading, Dreka and Whelan “broadly reference[d]” that they were bringing claims against DCF, CPC, and the two CPC employees under § 1983, the Americans with Disabilities Act, and the Rehabilitation Act, “as well as claims for ‘declaratory and injunctive relief’” against the judicial defendant, Anthony. Doc. 45 at 4–5. The court concluded that “[a]side from these vague designations,” the second amended complaint identified the specific defendants against whom each count was brought for only four of the counts. *Id.* at 5. For the remaining counts, the court concluded that it was “unclear” which defendants were being sued for each claim. *Id.* The court noted that it had identified similar deficiencies with the first amended complaint and instructed Dreka and Whelan how to correct the deficiencies. Because they failed to remedy these defects in the second

amended complaint, the court dismissed the second amended complaint with prejudice.³

This is Dreka and Whelan’s appeal.

II.

We review for abuse of discretion a district court’s dismissal of a complaint as a shotgun pleading. *Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1320 (11th Cir. 2015).

We liberally construe a *pro se* litigant’s pleadings, holding them “to less stringent standards than formal pleadings drafted by lawyers.” *Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014).

III.

To state a claim for relief, a pleading must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This short and plain statement must “give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citation modified). An adequate complaint “requires more than labels and conclusions, and a formulaic recitation

³ When the court dismissed the second amended complaint, Dreka and Whelan had a pending motion for a preliminary injunction. The court explained that even if the second amended complaint was not a shotgun pleading and the court was not dismissing the action, it still would deny that motion. The court explained that Dreka and Whelan sought to enjoin the ongoing dependency proceedings. The court concluded that abstention principles barred it from intervening in the state court proceedings.

of the elements of a cause of action will not do.” *Id.* In addition, the complaint must “state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). These rules “require the pleader to present his claims discretely and succinctly, so that his adversary can discern what he is claiming and frame a responsive pleading” and “the court can determine which facts support which claims and whether the plaintiff has stated any claims upon which relief can be granted.” *Weiland*, 792 F.3d at 1320 (citation modified).

Complaints that violate these rules often are referred to as “shotgun pleadings.” *Id.* A shotgun pleading fails “to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” *Id.* at 1323. Shotgun pleadings “waste scarce judicial resources, inexorably broaden the scope of discovery, wreak havoc on appellate court dockets, and undermine the public’s respect for the courts.” *Vibe Micro Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018) (citation modified). Shotgun pleadings include complaints that: (1) contain “multiple counts where each count adopts the allegations of all preceding counts”; (2) are “replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action”; (3) fail to separate into a separate count each cause of action or claim for relief; or (4) assert “multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.” *Weiland*, 792 F.3d at 1321–23.

A district court has inherent authority to dismiss a complaint on shotgun pleading grounds. *Vibe Micro*, 878 F.3d at 1295. When a plaintiff files a shotgun pleading, a district court must “give [her] one chance to replead.” *Id.* at 1296. So that the plaintiff can correct the deficiencies, the court “should explain how the offending pleading violates the shotgun pleading rule.” *Id.* If the plaintiff’s new complaint also is a shotgun pleading, the district court may then dismiss the action with prejudice. *Id.*; see *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (explaining that although dismissal with prejudice is a drastic remedy, “dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion”).

Here, the district court did not abuse its discretion in dismissing the second amended complaint as a shotgun pleading. In the second amended complaint, Dreka and Whelan asserted multiple counts and for many of the counts they did not identify “which of the defendants the claim [was] brought against.” *Weiland*, 792 F.3d at 1321–23. On appeal, they try to add details that were missing from the second amended complaint to clarify against whom each claim was brought. But even after considering the liberal construction given to pleadings filed by *pro se* litigants, we cannot say that the district court erred in concluding that many of the counts in the second amended complaint failed to make clear which defendants the particular count was against. On top of that, the district court had identified a similar deficiency with the first amended complaint and given them a chance to replead to correct the error before dismissing the action with prejudice. Accordingly,

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we affirm the dismissal with prejudice.⁴ *See Vibe Micro*, 878 F.3d at 1296.

AFFIRMED.

⁴ Dreka and Whelan have filed several motions in this Court, including motions seeking to supplement the record and a motion for clarification. All pending motions are DENIED.